



**State & Federal Contractors
Water Agency**

1121 L Street, Suite 802, Sacramento, CA 95814

September 16, 2010

Mr. Philip Isenberg
Chair, Delta Stewardship Council
650 Capitol Mall
Sacramento, CA 95814

Re: Water 4 Fish (Richard Pool) "Early Action" proposal for Cross Channel Closure

Dear Chairman Isenberg and Council Members:

We are writing to express our significant concern with the "early action" proposal submitted by Water 4 Fish (Richard Pool) seeking closure of the Delta Cross Channel (DCC) for two weeks in October of this year and subsequent years. While the submittal provides a review of the hypothesized benefits of the action, it fails to acknowledge the very real impacts to the water supply reliability branch of the co-equal goals, as well as water quality concerns. For that reason we supported your staff's recommendation to return this item to the applicant for further analysis. That further analysis should be in the form of a CEQA and NEPA document as we believe this action is subject to both statutes. Until such analysis is provided and significant impacts are mitigated or shown to be otherwise acceptable in light of benefits gained, we are opposed to the proposed action.

SFCWA is very supportive of investigations into the causes of salmon decline and reasonable actions to restore the fishery, including fall run salmon, which is not either a threatened or endangered salmon run. SFCWA voluntarily stepped forward to provide \$129,000 in unsolicited funding backfilling loss of other funding to purchase radio tags for salmon as part of four-year National Marine Fisheries Service studies to determine outmigration survival and its relation to flow and other factors. Extensive water supply restrictions to support other salmon fisheries have become a day to day experience for the Projects.

Directors

James M. Beck
*Kern County Water
Agency*

Jeff Kightlinger
*Metropolitan Water
District of Southern
California*

Bill Harrison
Dan Nelson
Jason Peltier
*San Luis & Delta-
Mendota Water
Authority*

Beau Goldie
*Santa Clara Valley
Water District*

Steve Robbins
Jill Duerig
*State Water Project
Contractors
Authority*

Tom Birmingham
*Westlands Water
District*

As noted by your staff in preparing for discussion at the September 14th meeting of the subcommittee chaired by yourself and including Mr. Fiorini, no formal impact analysis for this project was provided. Our initial analysis of this proposal indicates that the water supply impact to the export projects could be upward of 100,000 acre feet of water during the narrow window (3.5 months) the CVP and SWP may pump water previously stored in Project reservoirs north of the Delta without added restrictions imposed by endangered species concerns.

EBMUD staff speaking at the meeting in support of the proposal proposes to release 58,000 acre feet of water during the two week period of the proposed closure, although it appears based on their statement that this water is supply reoperated from a reduction of other releases from other portions of the year and does not represent a reduction in consumptive use, or a direct impact on their customers in terms of supply availability.

Federal and state water contractors have taken as much as a 55% shortage of contract deliveries this year. It seems inequitable that they should be asked to bear further restrictions when proponents of the action, including EBMUD, are bearing no shortages. Further, an equivalent benefit to salmon migration cues appears to be achievable by EBMUD releasing an additional amount of water of only one third the volume of the projected CVP/SWP supply loss in terms of the ratio of Sacramento to Mokelumne water. This would also create a water quality benefit to the Delta instead of a negative impact resulting from closing the cross-channel.

We suggest the proponents first seek additional releases of water by EBMUD, inasmuch as the Mokelumne hatchery and performance of the hatchery is a mitigation obligation of EBMUD due to loss of spawning and rearing habitat caused by construction of their upstream reservoirs. At the point EBMUD is providing water for fishery benefits to the point of its customers incurring a 55% water supply shortage would then be the time to raise question whether others already suffering such shortages, which did not create the fishery problem on the Mokelumne but can help with recovery, should be asked to contribute further. Alternatively, as stated at your meeting September 14th, we would be supportive of the proposal if EBMUD committed to holding the SWP and CVP export contractors harmless to water supply impacts through transfers of water from EBMUD or other non SWP/CVP sources, and if water quality impacts were sufficiently mitigated.

Finally, it would have been helpful for proponents to approach us to discuss their proposal in advance of submittal to DSC and USBR, as there are many arenas for collaborative work on stressors for salmon, particularly predation by non native species, and development of an isolated facility, which would largely eliminate the need for use of the Delta Cross Channel to convey water and reduce straying issues. Regrettably, this was not done. Perhaps the DSC could consider how it could provide forums to advance such collaborative work.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron M. Buck". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Byron M. Buck
Executive Director

cc. Donald Glaser, USBR
Richard Pool, Water 4 Fish
Dennis Diemer, EBMUD